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SENATE MEMORIAL 58

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Cisco McSorley

A MEMORIAL

REQUESTING THE NEW MEXICO DEPARTMENT OF AGRICULTURE TO EVALUATE
ISSUES RELATED TO GENETICALLY ENGINEERED SEED CROPS AND ISSUES
RELATED TO THE LIABILITY EXPOSURE OF NEW MEXICO FARMERS TO
GENETICALLY ENGINEERED SEED MANUFACTURERS.

WHEREAS, for thousands of years, growers have developed,
collected and saved regional seeds, thereby selectively
breeding farm crops suited to the local microclimate; and

WHEREAS, for generations, New Mexicans have been stewards
of the land; and

WHEREAS, since its founding in 1888, New Mexico state
university has developed exceptional plant varieties through
the proven techniques of crossbreeding using natural procedures
that are well documented and successful; and

WHEREAS, today, many local farmers grow these special

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1 varieties, which are profitable and well known internationally;
2 and

3 WHEREAS, contamination from genetically engineered seeds
4 can eliminate markets for New Mexico's specialty food products,
5 such as chile and blue corn, and commodity crops, such as beef
6 and certified organic products, negating the many years spent
7 on developing these valuable markets and establishing New
8 Mexico's reputation; and

9 WHEREAS, currently, seed contracts with manufacturers of
10 genetically engineered seeds require farmers to waive their
11 rights to a transparent process of contract compliance, and
12 farmers sign away their federal Privacy Act rights and grant
13 the seed manufacturers full access to inspections of farm
14 records, fields and crops; and

15 WHEREAS, this "full access" continues even if the farmer
16 has stopped growing the manufacturers' seeds; and

17 WHEREAS, Senate Bill 560, introduced during the 2009
18 legislature session, would have changed the current system that
19 the seed manufacturers have created and exchange it for a
20 system with transparency, eliminating farmer liability for
21 genetically engineered seed contamination of crops; and

22 WHEREAS, manufacturers of genetically engineered seeds
23 have historically sued farmers whose crops are unknowingly
24 contaminated by the manufacturers' seeds; and

25 WHEREAS, Senate Bill 560 would have protected farmers

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1 growing non-genetically engineered crops from being sued by a
2 seed manufacturer and would have addressed instances of
3 unintended crosses with non-genetically engineered crops of a
4 neighboring farmer;

5 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
6 OF NEW MEXICO that the New Mexico department of agriculture be
7 requested to investigate the issues associated with genetically
8 engineered seed crops and the legal exposure of farmers to
9 liability for cross-pollination and contamination of non-
10 genetically engineered crops to genetically engineered seed
11 manufacturers and the potential consequences on the New Mexico
12 agricultural economy; and

13 BE IT FURTHER RESOLVED that the New Mexico department of
14 agriculture report its findings and recommendations to the
15 appropriate interim legislative committee by December 1, 2009;
16 and

17 BE IT FURTHER RESOLVED that a copy of this memorial be
18 transmitted to the director of the New Mexico department of
19 agriculture.